IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL APPLICATION NO.4215 OF 2004
IN
CRIMINAL APPEAL NO.706 OF 2004

Laxman @ Bhimgonda Appaya Patil .. Applicant.

v/s.

The State of Maharashtra ... Respondent.

Mr.S.A.Ingawale for applicant.

Ms.Usha Kejariwal, Additional Public Prosecutor for the State.

CORAM : R.M. LODHA AND
R.S. MOHITE, JJ.

DATED : 17th February, 2005

P.C.

Heard Mr.S.A.Ingawale, the learned counsel for the accused-applicant.

2. The applicant-accused No.1 has been convicted under section 302 IPC for having committed murder of his daughter aged about 16 years. He has also been convicted of the offence punishable under section 201 IPC.

3. On the basis of the circumstantial evidence that has come on record, the trial court found that the murder of his daughter was committed by him. The defence set up by the accused was that his daughter

committed suicide as she failed in mid-term examination of class X and four got poor marks in preliminary examination. The defence of the applicant-accused No.1 is falsified by the medical evidence. Dr. Athani (PW7) conducted the postmortem examination of dead body of Rohini and he found the following external injuries on her body:-

"1.	95% superficial burns present.
2.	Deep burns present on the inguinal and genital area and middle part of the mid-thigh bilateral.
3.	Sigmoid column burst through left iliac fossa.
4.	Rectum prolapse present.
5.	Ligature marks present 1" breadth encircling around the neck above hyoid bone, going posteriorly below both the ear lobules, ecchymosis present under the ligature marks 13" in circumference.
6.	Charring of the face and head present."

4. Dr.Athani (PW7) opined that Rohini died due to cardio respiratory arrest due to asphyxia due to strangulation. PW7 found that the burn injuries were postmortem burns and the ligature mark is ante mortem. Prima facie, it does not appear that the death of Rohini was not homicidal. The false defence set up by the accused that Rohini died due to suicide provides for an additional circumstance

in completing the chain proving that accused-applicant committed murder of Rohini.

5. We are of the view that at this stage, the detailed analysis of each and every incriminating circumstance is not necessary and taking overall view of the matter, it cannot be said that the conviction of the accused is based on no evidence.

6. We are, thus, satisfied that no case for grant of bail is made out. Criminal application for bail is, accordingly, rejected.

(R.M. LODHA, J.)

(R.S. MOHITE, J.)